IN THE DISTRICT COURT OF THE VIRGIN ISLANDS DIVISION OF ST. CROIX APPELLATE DIVISION

THOMAS	HYLL FUNERAL HOME,	INC.)				
	Appellant/Cross	Appellee,)	D.C. CIV.	APP.	NO.	1998/136
)				
	V.)	Re: T.C. CI	V. NO.	94/8	41
)				
JOSEPH	BRADFORD,)				
	Appellee/Cross A	Appellant.)				
)				

On Appeal from the Territorial Court of the Virgin Islands

Considered: December 7, 2000 Filed: September 13, 2002

BEFORE: RAYMOND L. FINCH, Chief Judge, District Court of the Virgin Islands; THOMAS K. MOORE, Judge of the District Court of the Virgin Islands; and RHYS S. HODGE, Judge of the Territorial Court of the Virgin Islands, Sitting by Designation.

APPEARANCES:

Richard P. Farrelly, Esq.

Birch, deJongh, Hindels & Hall St. Thomas, U.S. Virgin Islands Attorney for Appellant/Cross Appellee,

Diane M. Russell, Esq.

ORDER OF THE COURT

PER CURIAM

AND NOW this 13 day of September 2002, having considered the

Bradford v. Thomas Hyll Funeral Home, Inc. D.C. Civ. App. No. 1998/136 Order of the Court

Page 2

arguments and submissions of the parties, and for the reasons set forth in the Court's accompanying opinion of even date, it is hereby

ORDERED that the trial court's denial of the Funeral Home's motion for new trial is AFFIRMED; and further

ORDERED that the trial court's denial of remittitur is AFFIRMED; and further

ORDERED that this matter is REMANDED for further proceedings on the issue of damages, to include those for emotional pain and suffering; and further

ORDERED that the trial court's dismissal of Bradford's claim
for punitive damages is AFFIRMED; and finally

ORDERED that the trial court's dismissal of Bradford's claim for intentional infliction of emotional distress is AFFIRMED.

DONE AND SO ORDERED this 13 day of September 2002.

A T T E S T: WILFREDO F. MORALES Clerk of the Court

/s/

By: Deputy Clerk

Copies (with accompanying opinion) to:

Judges of the Appellate Panel Judges of the Territorial Court The Honorable Jeffrey L. Resnick Bradford v. Thomas Hyll Funeral Home, Inc. D.C. Civ. App. No. 1998/136 Order of the Court Page 3

The Honorable Geoffrey W. Barnard Richard P. Farrelly, Esq. Diane M. Russell, Esq. Elizabeth Kliesch, Esq. Tracy Lynch Bhola, Esq. Michael A. Hughes, Esq. Chris Ann Keehner, Esq. Joshua Geller, Esq. Nydia Hess Order Book Publishers